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# State v. Baldwin Appellant's Brief Dckt. 44661

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	NO. 44661
	)	
v.	)	MINIDOKA CO. NO. CR 2015-3398
	)	
JERIME BALDWIN,	)	
	)	
Defendant-Appellant.	)	APPELLANT'S BRIEF
_____	)	

STATEMENT OF THE CASE

Nature of the Case

Jerime Baldwin pleaded guilty to one count of sexual abuse of a child under the age of sixteen years. The district court imposed a sentence of fifteen years, with three years fixed, and retained jurisdiction. Subsequently, the district court relinquished jurisdiction. Mr. Baldwin appeals from the district court's order relinquishing jurisdiction. He asserts the district court abused its discretion when it imposed an excessive sentence.

Statement of the Facts and Course of Proceedings

In September of 2015, Deputy Fry, from the Minidoka County Sheriff's office, met with Tracy Bench and her 15 year-old daughter J.B. regarding a potential sex offense. (Presentence

Report (*hereinafter*, PSI), p.3)<sup>1</sup> Ms. Bench said she had searched her daughter's phone and discovered text messages between J.B. and Mr. Baldwin, who was 19 years old, that led her to believe they had sex. (PSI, p.3.) At the meeting, J.B. said she let Mr. Baldwin in the back door when she was home alone, and the couple had sex. (PSI, p.3.)

Detective Smith was assigned to the case and learned that Mr. Baldwin had been seeing J.B. for approximately one year. (PSI, p.3.) At a subsequent CARES interview, J.B. said she had sex with Mr. Baldwin twice. (PSI, p.3.) Detective Smith then spoke with Mr. Baldwin, and he confirmed he had been in a relationship with J.B. for a year. (PSI, p.3.) He said he cared about J.B. very much, and they loved each other. (PSI, pp.3-4.) He also admitted that they had sex twice. (PSI, p.4.)

Mr. Baldwin was later charged with one count of lewd conduct with a minor under sixteen. (R., pp.18-19.) Pursuant to a plea agreement, Mr. Baldwin agreed to plead guilty to one count of sexual abuse of a child under the age of sixteen years in this case, and admit to a probation violation in a prior case—Number 2013 CR-3694. (R., p.34.) In exchange, the State agreed to recommend that the district court impose a sentence of ten years, with three years fixed, retain jurisdiction, and order the sentence be served concurrent with Mr. Baldwin's sentence in the earlier case for which he was on probation. (Tr., p.8, Ls.11-23; R., p.35.) The State filed an amended information, and Mr. Baldwin waived a preliminary hearing and later pleaded guilty. (Tr., p.6, L.14 – p.12, L.6; R., pp.31-32.)

At the sentencing hearing, the State recommended that the district court follow the terms of the plea agreement. (Tr., p.20, Ls.9-14, p.23, Ls.19-20.) Mr. Baldwin's counsel also asked that the district court follow the terms of the plea agreement. (Tr., p.25, Ls.24-25.) The district

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<sup>1</sup> All citations to the PSI and its attachments refer to the 106-page electronic document.

court retained jurisdiction and imposed an underlying sentence of fifteen years, with three years fixed. (R., pp.52-54.) The district court later relinquished jurisdiction, and Mr. Baldwin filed a notice of appeal timely from the district court's order relinquishing its jurisdiction. (R., pp.57-62.)

### ISSUE

Did the district court abuse its discretion when it imposed a sentence fifteen years, with three years fixed, following Mr. Baldwin's plea of guilty to one count of sexual abuse of a child under the age of sixteen years?

### ARGUMENT

#### The District Court Abused Its Discretion When It Imposed A Sentence Of Fifteen Years, With Three Years Fixed, Following Mr. Baldwin's Plea Of Guilty To One Count Of Sexual Abuse Of A Child Under The Age Of Sixteen Years

Based on the facts of this case, Mr. Baldwin's sentence of fifteen years, with three years fixed, is excessive because it is not necessary to achieve the goals of sentencing. When there is a claim that the sentencing court imposed an excessive sentence, the appellate court will conduct an independent examination of the record giving consideration to the nature of the offense, the character of the offender, and the protection of the public interest. *See State v. Reinke*, 103 Idaho 771 (Ct. App. 1982).

Independent appellate sentencing examinations are based on an abuse of discretion standard. *State v. Burdett*, 134 Idaho 271, 276 (Ct. App. 2000). In such a review, an appellate court considers "whether the court acted within the boundaries of such discretion, consistent with any legal standards applicable to its specific choices, and whether the court reached its decision through an exercise of reason." *State v. Hass*, 114 Idaho 554, 558 (Ct. App. 1988). When a sentence is unreasonable based on the facts of the case, it is an abuse of discretion. *State v. Nice*,

103 Idaho 89, 90 (1982). Unless it appears that confinement was necessary “to accomplish the primary objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation or retribution applicable to a given case,” a sentence is unreasonable. *State v. Toohill*, 103 Idaho 565, 568 (Ct. App. 1982). Accordingly, if the sentence is excessive, “under any reasonable view of the facts,” because it is not necessary to achieve these goals, it is unreasonable and therefore an abuse of discretion. *Id.*

There are several mitigating factors that illustrate why Mr. Baldwin’s sentence is excessive under any reasonable view of the facts. First, Mr. Baldwin had an extremely abusive and chaotic childhood. He explained that his mother was addicted to methamphetamine and never there for him when he was a child because she was always working. (PSI, pp.9-10.) He said his mother had also previously tried to make him feel guilty for not helping her purchase methamphetamine. (PSI, p.10.) Additionally, Mr. Baldwin never knew who his real father was until recently because his mother failed to disclose it to him. (PSI, p.9.)

Almost certainly due to his mother’s ongoing neglect, Mr. Baldwin was sexually abused by his mother’s boyfriend when he was between the ages of six and eight. (PSI, p.9.) As he disclosed during his psychosexual evaluation, that abuse included two rapes. (PSI, p.55.) The boyfriend then threatened Mr. Baldwin by telling him he would hurt Mr. Baldwin’s mother if Mr. Baldwin ever told anybody about the abuse. (PSI, p.55.)

Mr. Baldwin also revealed that he was physically and emotionally abused by his mother and stepfather. (PSI, p.10.) When he was nine years old, he was put into foster care after his mother left the house one day saying she was going to court and never returned. (PSI, p.10.) He explained that he was able to contact an uncle who agreed to meet him at a Pizza Hut, but never showed up. (PSI, p.10.) After that, he said his mother tried to send him away to Texas to live

with relatives but the right documentation was never provided, so Mr. Baldwin was placed in foster care again in Texas. (PSI, p.10.) He was then returned to Idaho and placed in a safe house. (PSI, p.10.) Finally, he was sent to the Idaho Youth Ranch for two years. (PSI, p.10.) A defendant's abusive childhood is a long-recognized mitigating factor. *State v. Gonzales*, 123 Idaho 92, 93-94 (Ct. App. 1993). And, during his GAIN-I interview, Mr. Baldwin summed up his childhood as follows: "My mother is . . . addicted and didn't care what I did or where I was as a kid. She let her boyfriend sexually abuse me and didn't get me away from him. She is getting ready to go to prison for possession again." (PSI, p.33.)

Not surprisingly, Mr. Baldwin's childhood led to his own problems with substance abuse. In what was clearly an understatement, he said, "I wasn't led very well at a young age." (PSI, p.9.) Because of this, he said he got involved with drugs and gangs and developed a "bad drug addiction." (PSI, p.9.) He said he started using alcohol, marijuana, and methamphetamine when he was only 12 years old. (PSI, p.14.) He then started using cocaine when he was 14, heroin when he was 15, and hallucinogens when he was 16. (PSI, p.14.) He admitted that his substance abuse had "affected most areas of his life" and said he wanted to stop using them but was not certain he could. (PSI, p.15.) A defendant's substance abuse issues should also be considered as mitigating information. *State v. Nice*, 103 Idaho 89, 91 (1982).

A defendant's mental health problems are another mitigating factor, and Mr. Baldwin suffers with significant mental health issues. He said he was diagnosed with ADD and ADHD as a child and was prescribed Adderall. (PSI, p.13.) He also stated that he was "constantly depressed" and often thought about his mother and "why he was not able to straighten out his life in an easier manner when he was younger." (PSI, p.13.) Further, his GAIN-I Summary indicated provisional diagnoses of, among other things, a generalized anxiety disorder, a

posttraumatic stress disorder, and an acute stress disorder. (PSI, p.25.) Mr. Baldwin also admitted that he attempted suicide three times. (PSI, p.47.) The first time was after his stepfather physically abused him, the second time was when he was at the Idaho Youth Ranch, and the last time was after he was arrested on a grand theft charge. (PSI, p.47.) He said he was intoxicated when he attempted suicide the last time, and he tried to cut off his hand with a “box knife.” (PSI, p.47.) He said his mother “stitched him up with fishing line.” (PSI, p.48.)

Finally, Mr. Baldwin is still very young, and he accepted responsibility and showed remorse over this offense. At the time of sentencing, he was only 19 years old, and when he spoke to the district court about the offense, he said,

I do understand now that what I did was wrong. At the time I didn’t believe it was wrong because I hadn’t learned about things like that. And I did truly care about her, but the thing about it is, I didn’t mean to cause that family that much torment, that much trouble, and hurt her that badly in the long run. So for that I’m truly very sorry.

(Tr., p.26, Ls.9-15.) A defendant’s youth and expressions of remorse are also well-established mitigating factors. *State v. Caudill*, 109 Idaho 222, 224 (1985); *State v. Shideler*, 103 Idaho 593, 595 (1982).

In light of all the mitigating information in this case, Mr. Baldwin’s extended sentence was excessive because it was not necessary to accomplish the goals of sentencing. A shorter sentence would still accomplish the goal of protecting society; it would also serve as a strong deterrent and provide appropriate retribution for the offense. But most importantly, it would give Mr. Baldwin an opportunity to focus more quickly on his rehabilitation. Given his horrific childhood, he deserves an opportunity to pursue meaningful treatment, so he can perhaps finally enjoy a pleasant and productive life. The district court did not adequately consider the wealth of

mitigating information in this case and therefore did not reach its sentencing decision through an exercise of reason. Thus, it abused its discretion.

### CONCLUSION

Mr. Baldwin respectfully requests that this Court vacate the district court's order relinquishing jurisdiction and remand the case to the district court with an instruction that he be placed on probation. Alternatively, he requests that this Court reduce his sentence as it deems appropriate.

DATED this 12<sup>th</sup> day of July, 2017.

\_\_\_\_\_/s/\_\_\_\_\_  
REED P. ANDERSON  
Deputy State Appellate Public Defender



CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12<sup>th</sup> day of July, 2017, I served a true and correct copy of the foregoing APPELLANT'S BRIEF, by causing to be placed a copy thereof in the U.S. Mail, addressed to:

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INMATE #111199  
ISCI  
PO BOX 14  
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JONATHAN BRODY  
DISTRICT COURT JUDGE  
E-MAILED BRIEF

DENNIS R BYINGTON  
MINI-CASSIA PUBLIC DEFENDER OFFICE  
E-MAILED BRIEF

KENNETH K JORGENSEN  
DEPUTY ATTORNEY GENERAL  
CRIMINAL DIVISION  
E-MAILED BRIEF

\_\_\_\_\_/s/\_\_\_\_\_  
EVAN A. SMITH  
Administrative Assistant

RPA/eas